



## Chapter 48

### STREETS AND SIDEWALKS\*

#### ARTICLE I. IN GENERAL\*\*

##### 48-1. Title.

This article shall be known as the "City of Sterling Heights Public Streets and Rights-of-Way Ordinance" and may be cited as such. (1978 Code § 31-1; Ord. No. 286, § 1, 8-21-90; Ord. No. 286-C, § 1, 6-4-96)

##### 48-2. Declaration of purpose.

The purpose of this article is to regulate and control the use of public streets, sidewalks, approaches and rights-of-way and to establish standards pertaining to the instal-

lation of improvements within public streets and rights-of-way. (1978 Code § 31-2; Ord. No. 286, § 1, 8-21-90; Ord. No. 286-C, § 1, 6-4-96)

##### 48-3. Definitions.

Unless otherwise indicated, the terms used in this article are defined as follows:

**Alley.** A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

**Approach.** A hard-surfaced area connecting a street with an off-street parking area, truck well, maneuvering lane or driveway as defined herein or defined in the zoning ordinance.

**Curb.** A part of the street usually of the same elevation as the center of the street, which is parallel to the street which separates the portion of the roadway established for vehicular traffic from the adjacent greenbelt area designed to keep vehicular traffic from the greenbelt area.

**Easement.** A right or privilege over a specific portion of land area granted by the owner to the public, a corporation, or some particular person or persons for specific uses and purposes, and which is designated a public or private easement depending on the nature of the use.

**Right-of-way.** The entire area owned or dedicated by the city, or other governmental agency or entity for public use as a street, sidewalk, easement, landscape area or other public place.

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\*Charter reference-General authority of council relative to streets, § 16.01 et seq.

Cross references-Posting of advertising matter on streets and sidewalks, § 3-18; building regulations generally, Ch. 11; moving of buildings on streets, § 11-194; street numbers for buildings, § 11-219 et seq.; requirements of "concrete ordinance" concerning curbs, approaches, sidewalks and driveways, § 11-245 et seq.; excavations, erosion and sedimentation control, Ch. 17; provisions of fire prevention code relative to street obstructions, § 20-38; deposit of refuse on streets, § 23-11; anti-litter ordinance, § 23-31 et seq.; location of junkyards and automobile wrecking yards with respect to streets, § 26-6; prohibition against noise on streets, § 31-1 et seq.; special assessments for public improvements generally, Ch. 47; authority to make assessments for boulevard lighting system, § 47-3; traffic, Ch. 49; regulations governing trees, shrubs, etc., in or along streets, § 51-1 et seq.; cutting and destruction of weeds on lots along improved streets, §§ 51-28, 51-29; establishment of taxicab stands on streets, § 52-26.

\*\*Editor's note-Ordinance No. 286, adopted Aug. 21, 1990, and effective Jan. 1, 1991, amended §§ 31-1, 31-2 of the 1978 Code to read as set out in §§ 48-1-48-12. Prior to amendment, §§ 31-1 and 31-2 of the 1978 Code pertained to leakage from gas pipes or mains within or under public ways and to the regulation of roadside stands.

*Sidewalk.* A slab of concrete generally parallel with the street and usually located one foot from the property line in the right-of-way.

*Street.* That portion of a public thoroughfare improved, designed or ordinarily used for vehicular traffic, including curbs on paved roads and shoulders on unimproved thoroughfares.

(1978 Code § 31-3; Ord. No. 286, § 1, 8-21-90; Ord. No. 286-C, § 1, 6-4-96)

#### 48-4. General permit requirements.

(a) It shall be unlawful to construct or lay any pavement for any public street, sidewalk, alley, approach or to repair the same, to make any excavation within the right-of-way, or to construct any improvement within the right-of-way without first having secured a permit from the city.

(b) It shall be unlawful to install or place any vending machine, express mail machine, private mailbox, pick-up box, or railing within the right-of-way, or to erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes or other obstructions within the right-of-way.

(c) It shall be unlawful to install, construct or place any earthen mound with a grade variance of more than six (6) inches, boulders, shrubs, mailboxes that do not conform with applicable federal standards, landscape forms or sculptures exceeding six (6) inches in height within the right-of-way.

(d) It shall be unlawful to hang or suspend any object, including, but not limited to, signs (except those established and maintained by the city, county, state or federal governments), festoons, balloons, or other inflatables above the public sidewalk or within any right-of-way area unless expressly authorized by this article or another applicable ordinance of the city.

(e) It shall be unlawful to remove or alter any pavement, tree, street identification sign or marker, lawn, fire hydrant or other improvement placed in the right-of-way by

the city without first obtaining a permit from the city.

(f) It shall be unlawful to install any utility poles, towers, water mains, monitoring wells, sewers, sidewalks, telecommunications, telegraph, telephone or power lines, pipe lines, wires, cables, conduits, or any like structure within a right-of-way or easement without first securing a permit from the city.

(g) It shall be unlawful to establish any roadside stand within the right-of-way, nor shall any person sell anything within such right-of-way.

(h) The placement of gas, electric, telecommunications, cable television and other franchised or licensed facilities shall be as determined and designated by the city engineer. Utilities constructed of non-metallic material are required to have a traceable metallic wrap or accompanying wire for the purpose of tracing and locating with conventional locating equipment. When placed in the right-of-way, utilities or other franchised facilities constructed of material susceptible to breakage (i.e., fiber optic, wire, plastic line) may be encased in a protective shell, as approved by the city engineer.

(i) Any owners of telecommunication, telegraph, telephone or power lines, pipe lines, wires, cables, conduit and like structures installed within a right-of-way must be a member of the Miss Dig System and respond to and stake or locate underground utilities within the rules and regulations as prescribed by the Miss Dig System and hold the city harmless for any damage to pipe lines, wires, cables, conduits and like structures which may be damaged as a result of the city repairing/maintaining its utility system located in any right-of-way if due to untimely or incorrect locations being staked or identified.

(1978 Code § 31-4; Ord. No. 286, § 1, 8-21-90; Ord. No. 286-A, § 1, 10-1-91; Ord. No. 286-C, § 1, 6-4-96)

**48-5. Street cuts and excavations.**

(a) Except as otherwise provided it shall be unlawful to grade, regrade, reshape, modify, or alter the surface grade of any right-of-way without first obtaining a permit pursuant to the provisions of this article.

(b) It shall be unlawful to do any grading or other activity within the right-of-way that creates a nuisance or contributes to the accumulation of standing water which constitutes a health hazard.

(c) It shall be unlawful to make any excavation or opening in or to tunnel under any right-of-way without first obtaining a permit pursuant to the provision of this article. The city manager may, if the public safety requires, grant immediate permission to a person to make a necessary opening or excavation within the right-of-way provided that a permit required by this article is obtained on the next following business day.

(d) It shall be unlawful to install, replace or alter an approach, sidewalk, culvert, enclose a ditch or make a sewer or water tap without first securing a permit in accordance with the provisions of this article.

(e) It shall be unlawful to construct, alter or cut any opening in or through any curb in any street or public right-of-way without first obtaining a permit pursuant to the provisions of this article.

(f) All openings, excavations or obstructions in a right-of-way, shall be properly barricaded and illuminated with barriers and flashing beacons as required by the Michigan Manual of Traffic-Control Devices to prevent injury or damage to persons or vehicles. Flashing beacons shall be installed at all construction sites to provide adequate notice and warning to both pedestrians and vehicular traffic.

(g) All openings, excavations and tunnels in a right-of-way shall be properly shored and braced in accordance with all standards promulgated by the Occupational Safety and Health Administration (OSHA)

and the Michigan Occupational Safety and Health Administration (MIOSHA), to insure the safety of all workers and prevent cave-ins and washouts which would likely cause damage to the surface grade of the street or adjoining portions of the right-of-way. If it appears that there is a danger to the public safety, the city has the authority to install any and all barricades, warning signs and other such devices that it may deem necessary and may charge the permit holder for costs incurred in protecting the public.

(h) The city manager shall have authority to temporarily close any portion of the right-of-way when it is deemed an unsafe condition, or it is unsuitable for use. Barriers and signs shall be erected indicating that the portion of the right-of-way is closed to public travel. It shall be unlawful to drive or travel over such portion of the right-of-way closed to public travel, except when such travel is incident to repair, construction or maintenance work performed therein.

(i) It shall be unlawful to interfere with or disturb any barricade, fencing, signs or lights lawfully placed to protect, mark or illuminate any obstruction, excavation, repair site or opening in any portion of the right-of-way.

(1978 Code § 31-5; Ord. No. 286, § 1, 8-21-90; Ord. No. 286-C, § 1, 6-4-96)

**48-6. Sidewalks.**

(a) It shall be unlawful to install, construct, repair or reconstruct any sidewalk within the right-of-way without first having secured the permission of the city and having secured a permit as required under this article or any other applicable ordinance.

(b) All sidewalks shall conform with the applicable provisions of Chapter 11, Article X of the city Code, the zoning ordinance (Appendix A to the city Code), and the subdivision regulations (Appendix B of the city Code).

(c) The city council may order the construction, reconstruction or repair of side-

walks in any designated area within the city if it is in the interest of the health, safety and welfare of the city; or perform or have performed on its behalf the construction, reconstruction or repair.

(d) The city council shall determine whether the sidewalks to be constructed, reconstructed or repaired shall be paid for by invoice to the abutting property owners or by special assessment to the abutting property owners.

(e) The city council may, by resolution, require the owners of lots and premises to construct, reconstruct or repair sidewalks adjacent to or abutting upon such lots and premises. When any such resolution is adopted, it shall be the duty of the city engineer to cause a notice of same to be sent by first class mail to all owners of lots affected as determined from the tax rolls of the city, to the owner or owners of the lots and premises, in front of or adjacent to which the sidewalk is to be constructed, reconstructed or repaired, requiring such owner or owners to construct, reconstruct or repair in accordance with city specifications, such sidewalk as is required by such resolution, within thirty (30) days of the date of the notice, unless a different time is specified in the resolution of the city council. A notice shall also state that if any owner shall fail to comply with such order within the specified time, then the city shall construct, reconstruct or repair such sidewalk and charge the expense thereof to the premises and the owner thereof together with an administrative charge not to exceed sixteen (16) percent to cover administrative, bidding, engineering, and collection expenses.

(f) The owner of the property abutting the sidewalk to be constructed, reconstructed or repaired shall have fifteen (15) days from the date of the notice to appeal the determination that the sidewalk should be constructed, reconstructed or repaired. If the ordinance board of appeals, upon appeal, determines that the construction, reconstruction or repair is unnecessary or not within the interest of public safety of the city, the sidewalk need not be

constructed, reconstructed or repaired at that time.

(g) If the owner of any property fails to construct, reconstruct or repair in accordance with the city specifications any particular sidewalk described in the notice and within the time period and in the manner required thereby, the city engineer is hereby authorized and required, immediately after the expiration of the time period provided for the construction, reconstruction or repair by the owner, to cause such sidewalk to be constructed, reconstructed or repaired with the expense thereof to be charged to such property and the owner thereof, together with the administrative charge hereinbefore provided. The charge shall constitute a lien against the property abutting the sidewalk and shall be collected as a special assessment.

(h) The city council may provide that the payment for the sidewalks to be constructed, reconstructed or repaired shall be by special assessment. If the city council decides to pay for such sidewalk by special assessments, the procedures set forth in Chapter 47 of this Code shall be followed.

(i) All sidewalks within the city shall be kept and maintained in good repair by the owner of the property adjacent to and abutting upon the same. Whenever the city engineer determines that a sidewalk is unsafe, he shall cause written notice thereof to be given by first class mail to the owner of abutting property as determined from the tax rolls. If any owner shall neglect to keep and maintain in good repair the sidewalk adjacent and abutting upon his property, then the owner shall be liable to the city for any damages recovered against the city sustained by any person by reason of the sidewalk being unsafe and in a state of disrepair.

(1978 Code §31-6; Ord. No. 286, §1, 8-21-90; Ord. No. 286-C, § 1, 6-4-96)

#### 48-7. Application procedure.

(a) Application for a permit under the terms and conditions of this article and any other applicable provision of the city Code

shall be made on forms provided by the city, and shall be accompanied by plans and specifications showing the proposed work to be performed within the right-of-way.

(b) Application for a permit shall not be accepted unless it contains all of the required information, is accompanied by required plans, which conform to the applicable provisions of the city Code, ordinances and regulations and is accompanied by the payment of the permit fee as established by resolution of the city council. The proposed plans and specifications shall be reviewed by appropriate city departments depending on the nature of the work to be performed.

(c) Where liability insurance policies are required to be filed in making application for a permit, they shall be for the amounts established by the city manager or his designate. A properly executed certificate of insurance containing evidence that the pertinent policy of insurance or endorsement applies to the provisions under which the permit is issued, and approved as to form by the city attorney, shall be filed with the city clerk. (1978 Code §31-7; Ord. No. 286, §1, 8-21-90; Ord. No. 286-C, § 1, 6-4-96)

#### **48-8. Bond and hold harmless requirement.**

As a condition of obtaining a permit, the applicant shall be required to file with the city a bond in an amount established by the city engineer which shall be utilized to pay all valid claims for damages resulting from activity within the right-of-way. Moreover, the applicant shall execute an agreement to defend and indemnify the city and to hold the city harmless in the event a claim arises out of an activity conducted by the applicant within the right-of-way. (1978 Code § 31-8; Ord. No. 286, § 1, 8-21-90; Ord. No. 286-C, § 1, 6-4-96)

#### **48-9. Inspection of work; suspension or revocation of permit.**

All work done pursuant to any permit issued pursuant to this article shall be inspected

by the city under the direction of the city manager to determine that the work conforms with the applicable city Code provisions. The city manager may suspend or revoke any permit where the workmanship or materials used do not conform to the approved plans and specifications and the applicable provisions of this Code or other applicable ordinances. Violation of the terms and conditions contained in this article or any other applicable ordinance or Code provision may result in the permit being revoked. It shall be unlawful to perform any work authorized by any permit or cause any work to be performed after permit has been suspended or revoked. (1978 Code § 31-9; Ord. No. 286, § 1, 8-21-90; Ord. No. 286-C, § 1, 6-4-96)

#### **48-10. Review procedure.**

(a) If a permit is refused, suspended or revoked, the applicant may, within ten (10) days of the denial, suspension or revocation, appeal that determination to the city council. The city council shall, after proper notice to all interested parties, conduct a hearing concerning the refusal, suspension or revocation. After conducting the public hearing, the city council shall either affirm, modify or reverse the decision of the city manager. The decision of the city council shall be final.

(b) All operations for which a permit is granted pursuant to the terms of this article shall be under the direction and supervision of the city manager. The city manager or his designate shall have the authority to promulgate rules and regulations in order to implement the terms and provisions of this article. (1978 Code § 31-10; Ord. No. 286, § 1, 8-21-90; Ord. No. 286-C, § 1, 6-4-96)

#### **48-11. Variances.**

The board of code appeals may grant a variance from the provisions of this article upon finding that undue hardship or practical difficulty may result from strict compliance with specific provisions or requirements. (1978 Code § 31-11; Ord. No. 286, § 1, 8-21-90; Ord. No. 286-C, § 1, 6-4-96)

**48-12. Conflict between laws.**

In the event that part of this article shall conflict with any other applicable Code provision or ordinance of the city, the more restrictive Code provision or ordinance shall apply. (1978 Code § 31-12; Ord. No. 286, § 1, 8-21-90; Ord. No. 286-C, § 1, 6-4-96)

**48-13-48-15. Reserved.**

**ARTICLE II. PRIVATE STREETS AND STORM SEWERS\***

**48-16. Title.**

This article shall be known and cited as the "Private Street Ordinance." (1978 Code § 31-16; Ord. No. 301, § 1, 11-6-91)

**48-17. Definition of private street.**

A private street is a privately owned and maintained hard surfaced street, located within a cluster housing, residential condominium, site condominium, or multiple family development which is accessible to the public, including public and private emergency vehicles. Where a private street is served by a private storm sewer, the term shall include the private storm sewer. (1978 Code § 31-17; Ord. No. 301, § 1, 11-6-91)

**48-18. Availability of private streets.**

A private street or private storm sewer may be installed in a cluster housing, residential condominium, site condominium, or multiple family development if authorized by the city. In no instance shall a private street

be permitted if it is a continuation of a public street or is located so that it may later become a continuation of a public street. In no instance shall a private storm sewer be permitted if it is a continuation of a public storm sewer or is so located that it may later become a continuation of a public storm sewer. (1978 Code § 31-18; Ord. No. 301, § 1, 11-6-91)

**48-19. Construction of private street or private storm sewer.**

A private street or private storm sewer shall be constructed in accordance with the written standards established by the city manager and filed with the city clerk's office which are in effect at the time of construction. (1978 Code § 31-19; Ord. No. 301, § 1, 11-6-91)

**48-20. Plans.**

A private street or private storm sewer shall be constructed according to plans approved by the city engineer. The plan may be a part of the site plan but shall include information required by the city engineer to determine that the private street or storm sewer construction standards and other applicable requirements of the city have been met. (1978 Code § 31-20; Ord. No. 301, § 1, 11-6-91)

**48-21. Review and inspection approvals.**

Each private street or private storm sewer may be inspected by the city during the course of construction and upon completion to determine that it has been constructed in compliance with the terms of this article and any applicable regulations or standards. No zoning compliance permit for a use or development nor any building permit for any building to be constructed shall be issued unless all private streets and private storm sewers included with the development have been constructed, inspected and approved by the city; provided, however, the city may, in its discretion, allow a building permit to be issued prior to final approval of the private street or private storm sewer if suitable temporary access is provided and a cash deposit or irrevocable bank letter of credit is filed to

\*Editor's note-The provisions of Art. II, §§ 31-16-31-21 of the 1978 Code, pertaining to construction of sidewalks, were deleted as being superseded by the provisions of Ord. No. 286, adopted Aug. 21, 1990, which are included herein as §§ 48-1-48-12 of Art. I. Ord. No. 301, § 1, adopted Nov. 6, 1991, added new provisions to the Code as Art. IA, §§ 31-8-31-17; of the 1978 Code said provisions were included herein as Art. II, §§ 31-16-31-25, of the 1978 Code at the discretion of the editor, as other provisions already existed within the 1978 Code as §§ 31-8-31-12.

Cross reference-Water, sewers and sewage disposal, Ch. 53.

ensure completion of the improvements in accordance with this article. Review and inspection fees shall be paid prior to construction, in accordance with a fee schedule established by the city. (1978 Code § 31-21; Ord. No. 301, § 1, 11-6-91)

**48-22. Maintenance of private streets; promulgation of engineering standards.**

All private streets and private storm sewers shall be maintained, repaired, and replaced in accordance with the applicable city codes, ordinances, regulations and standards of the city and the maintenance agreement between the city and the developer, owner, or association. (1978 Code § 31-22; Ord. No. 301, § 1, 11-6-91)

**48-23. Maintenance agreements.**

(a) The owner of any development containing a private street which is constructed after the effective date of this article [November 20, 1991] shall execute a maintenance agreement in form and substance satisfactory to the city. The agreement shall obligate the owner (or property owners if the development has multiple owners) of the development to maintain, repair and replace any private street or private storm sewer determined by the city to constitute a public hazard or public nuisance to the city or its residents, and shall provide a means of paying for the cost of such maintenance, repair or replacement of the private streets and private storm sewers.



(b) The agreement shall further provide that if any units within the development are conveyed to individual owners, an association comprised of all owners of units within the development must be established prior to such conveyance. The maintenance agreement (excluding the approved site plan exhibit) shall be executed by the developer and delivered to the city prior to the city issuing final site plan approval for the development containing private streets. Prior to approval and execution of the agreement by the city, the city shall attach the final approved site plan accurately depicting the location of the private streets or private storm sewers. At the option of the city, approved legal descriptions of the private streets or private storm sewers may be attached in place of the approved site plan. The maintenance agreement requiring the owner or owners to pay the expenses of the required maintenance, repair and replacement shall be recorded against all of the property within the development after site plan approval and prior to the conveyance of any units to individual owners. The maintenance agreement shall be referenced in the master deed for any condominium development.

(c) The agreement shall authorize the installation, repair, maintenance or reconstruction of electrical, telephone, cable, or other utility lines within the easement of the private street if a public easement for such purpose has not been granted by the owner. The owner shall be responsible for payment of any administrative and legal fees incurred by the city in connection with preparation or review of such agreement. (1978 Code § 31-23; Ord. No. 301, § 1, 11-6-91)

#### **48-24. Naming and signage of private streets.**

All private streets shall be named and identified with street signs in accordance with the applicable city codes, ordinances, regulations and standards. (1978 Code § 31-24; Ord. No. 301, § 1, 11-6-91)

#### **48-25. Variances.**

Where, owing to special conditions, a literal enforcement of the provisions of this article would involve practical difficulties or cause unnecessary hardships, the board of ordinance appeals shall have the power, upon appeal, in specific cases, to modify the provisions of the article with such conditions and safeguards as it may reasonably determine, as may be in harmony with the spirit of this article and so that public safety and welfare be secured and substantial justice done. No variance of the provisions of this article shall be granted unless it appears to the board of ordinance appeals by a preponderance of the evidence that all of the following facts and conditions exist:

(1) There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the city.

(2) The granting of such variance or modification will not be materially detrimental to the public welfare or materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity of the property.

(3) The granting of the variance will not adversely affect the purposes or objectives of any master plan of the city.

The board of ordinance appeals may impose reasonable conditions upon any approval to insure that the spirit and intent of this article is upheld. If a variance is approved, the property owner shall file a notice of variance with the county register of deeds relating to the property. (1978 Code § 31-25; Ord. No. 301, § 1, 11-6-91)

#### **48-26-48-31. Reserved.**

**ARTICLE III. REMOVAL OF SNOW  
AND ICE FROM SIDEWALKS**

**48-32. Title.**

This article shall be known and may be cited as the "Snow Removal Ordinance." (1978 Code § 31-32)

**48-33. Enforcement of article.**

It shall be the duty of the city clerk and the police department of the city to enforce the provisions of this article. (1978 Code § 31-33)

**48-34. Definition.**

For the purposes of this article, "snow removal equipment" means any motor-driven vehicle with a gross weight of two thousand (2,000) pounds or more. (1978 Code § 31-34)

**48-35. Duty of property owners and occupants.**

No person shall permit any snow or ice to remain on the public sidewalks in the front, rear or sides of any house, premises, building, lot or parcel of land owned, occupied or controlled by him longer than twenty-four (24) hours after the same has fallen or formed. Whenever any snow or ice has fallen or formed on any such sidewalk, such person shall, within twenty-four (24) hours after the same has fallen or formed, remove all snow or ice, so far as is practicable and reasonable, to allow the pedestrian use of such sidewalk. (1978 Code § 31-35)

Charter reference—Authority to require abutting property owners to remove snow and ice from sidewalks, § 16.07.

**48-36. Equipment requirements.**

(a) No person shall operate, upon the sidewalks of the city, any snow removal equipment, unless the snow removal equipment is equipped with pneumatic tires and a revolving type brush. No person shall operate any snow removal equipment which has an overall width greater than the width of the public sidewalk and such equipment shall

not, in any case, be wider than six (6) feet. No person shall operate a scraper or plow-type snow removal equipment upon the sidewalks of the city.

(b) This section shall be inapplicable to the owner or occupant while removing snow or ice from the public sidewalks contiguous to his premises.

(1978 Code § 31-36)

**48-37. Commercial remover's permit—Required.**

No person shall, for hire, gain or reward, operate any snow removal equipment, as defined in this article, upon the sidewalks of the city, without first obtaining an annual permit from the office of the city clerk. (1978 Code § 31-37)

Cross reference—Permits generally, Ch. 29.

**48-38. Same—Issuance; fee; permittee's bond and insurance.**

(a) The city clerk is hereby authorized to grant a permit to any person of good moral character to engage in the business of snow removal by the operation of snow removal equipment, upon the payment of the sum of twenty-five dollars (\$25.00) as a permit fee, together with the execution of a surety bond to the city in the penal sum of five thousand dollars (\$5,000.00), approved by the city attorney, and in condition that the permittee will reimburse the city for any and all damage done to the sidewalks, trees or any other public property by the permittee, and a policy of insurance, approved by the city attorney, naming the city as an additional insured, in the amount of ten thousand dollars (\$10,000.00) property damage, one hundred thousand dollars (\$100,000.00) for injury to or death of one person and three hundred thousand dollars (\$300,000.00) for injuries to or death of more than one person, arising out of the operation of such snow removal equipment. Said bond and policies shall be filed with the office of the city clerk.

(b) Any permit issued shall be immediately revocable, without further reason, if the insurance has been revoked or cancelled.

(c) No permit shall be issued by the office of the city clerk until the approved bond and insurance policies have been filed in the office of the city clerk.

(1978 Code § 31-38)

**48-39. Same-Expiration; not transferable.**

All permits granted under the provisions of this article shall expire on June thirtieth of each year and shall not be transferable. (1978 Code § 31-39)



## Chapter 48A

### TELECOMMUNICATIONS

#### ARTICLE I. GENERAL PROVISIONS

##### 48A-1. Legislative intent.

(a) The rapid development and convergence of public and private voice, two-way interactive communication and data services on twisted copper pair wire, coaxial cable, fiber optic cable or wireless systems using the right-of-way carries the promise of economic growth, new investment by the private sector and the ready availability of telecommunication tools for streamlining and improving the delivery of products and services to residents and businesses in the city.

(b) This chapter is intended to implement local, state and federal policies that will accelerate the development of new and advanced communication and information technologies and services to residents and businesses in the city by opening telecommunication markets to competition.

(c) This chapter is also intended to protect the city's infrastructure, ensure open and equal access to telephone and advanced telecommunication and information technologies, and support an open and competitive marketplace and level playing field in the use of the right-of-way by companies offering public and private voice, two (2) way interactive communication or data services.

(d) This chapter is intended to minimize the disruption to the right-of-way caused by the installation of overhead and underground lines and facilities and to require those who use them to operate a telecommunication system to cooperate with the city in the construction, maintenance and restoration of the right-of-way.

(e) This chapter is intended to protect the public health, safety and welfare by requiring that new lines, wires and cables be installed in underground conduit wherever practical because there are too many unsightly overhead lines, wires and cables and utility poles. They are proliferating, adversely affecting public safety, detracting from property values and are reaching the maximum safe capacity of poles and underground spaces.

(Ord. No. 324, § 1, 6-3-97)

##### 48A-2. Purpose.

The purpose of this chapter is to regulate persons providing telecommunication service using the right-of-way in the city. (Ord. No. 324, § 1, 6-3-97)

##### 48A-3. Definitions.

The meaning of the terms used in this chapter shall be as follows:

(a) *City* means the City of Sterling Heights, Michigan.

(b) *Facilities* means any plant, works, systems, improvements and equipment owned, leased or used by a grantee, including poles, wires, fixtures, underground circuits, conduits and other property used or installed in the right-of-way necessary or convenient for the transmission and distribution of telecommunication service.

(c) *Grantee* means any holder of a permit.

(d) *Permit* means:

(1) The permit which a provider of telecommunication service using the highways, streets, alleys, or other

public places must obtain from the city under Section 254 of Act No. 179 of the Public Acts of 1991, as amended, ("Act 179"), and

- (2) The consent which a telegraph, telephone, other public utility company using any right-of-way must obtain from the city under Section 13 of Act No. 368 of the Public Acts of 1925, as amended, ("Act 368") or both.

(e) *Person* means any individual, firm, partnership, association, corporation, company or organization including educational institutions defined by Section 102(f) of Act 179.

(f) *Right-of-way* means the entire area owned or dedicated by the city or other governmental agency or entity for public use as a street, sidewalk, easement, landscape area or other public place.

(g) *Subscriber* means any person located in the city who is in any manner billed for telecommunication service.

(h) *Telecommunication service* means regulated and unregulated transmission of two (2) way interactive communication and associated usage to any person.

(i) *Telecommunication system* means a system used or to be used to provide telecommunication service including public or private voice, two (2) way interactive communication or data service, using or crossing a right-of-way.  
(Ord. No. 324, § 1, 6-3-97)

## ARTICLE II. PERMIT

### 48A-4. City approval required.

(a) No person shall install, construct, maintain or operate a telecommunication system using the right-of-way without a permit except as otherwise allowed by law.

(b) This chapter applies to any existing cable television system which is used to provide any telecommunication service.

(c) A grantee shall obtain any and all regulatory approvals, permits, authorizations or licenses for the offering or provision of telecommunication service from the appropriate federal, state and local authorities, if required, and shall submit to the city, upon the written request, evidence of all such approvals, permits, authorizations or licenses.

(d) Nothing in this chapter shall be construed as a waiver of any codes, ordinances or regulations of the city or the city's right to require a grantee or other person utilizing a telecommunication service to secure appropriate construction permits, plan reviews, inspections or authorizations for such use.

(e) The city may grant one (1) or more permits for a telecommunication system in the city subject to this chapter.

(f) The city specifically reserves the right to grant, at any time, additional permits for telecommunication systems as it deems appropriate. Additional permits shall not be deemed to modify, revoke, terminate or damage any rights previously granted to any other grantee.

(Ord. No. 324, § 1, 6-3-97)

### 48A-5. Application procedures.

(a) The application for a new, renewed or amended permit to install, construct or maintain a telecommunications system in the city shall be made in writing in such form as may be prescribed by the city.

(b) An application for a permit shall be accompanied by an application fee set by resolution of the council which may be used to cover expenses, direct or indirect, incurred by the city in the preparation of this chapter, amendments to this chapter, development of requests for proposals, drafting of a permit and any amendments to them, and reviewing, investigating and evaluating applications.

(c) To the extent allowed by law, in addition, a grantee shall reimburse all of the city's expenses, including legal, technical

and financial expert fees, incurred in reviewing and granting a permit.

(d) Upon the filing of an application and payment of the application fee, the telecommunication commission shall consider the application, may request such additional information as it may reasonably deem necessary to establish the legal, financial, technical and other qualifications of the applicant to provide telecommunication service and make a written recommendation to the council to approve or deny the application.

(e) The ninety (90) day deadline for the city to approve or deny access to a provider of telecommunications services under Section 251 of Act 179 shall be tolled until all information required by the application is submitted.

(f) If the council determines that the applicant possesses the necessary legal, financial, technical and other qualifications and otherwise is reasonably assured of the applicant's ability to satisfactorily install, construct, maintain and operate a telecommunication system, the council may issue the permit.

(Ord. No. 324, § 1, 6-3-97)

#### **48A-6. Service area.**

A permit shall specifically describe the area of the city in which the grantee may install any wires, cables, poles, conduits, fixtures and like structures. The city manager may consent to the laying and maintaining of additional wires, cables, conduits, fixtures and like structures extending no further than five hundred (500) feet from the right-of-way described in the permit. (Ord. No. 324, § 1, 6-3-97)

#### **48A-7. Term.**

(a) A permit is revocable by the council at its pleasure whether such right to revoke be expressly reserved in said permit or not as required by Section 15.04 of the City Charter.

(b) Any permit and the rights, privileges, authority and responsibilities estab-

lished shall take effect and be in force only from and after acceptance by the grantee. It shall continue in force and effect for a period established by the permit not exceeding fifteen (15) years if, within thirty (30) days after the date of the city council's award of a permit, the grantee files with the city clerk its acceptance of the permit, all required letters of credit, construction bonds and insurance certificates, and pays to the city clerk all reasonable costs actually incurred by the city in preparing, considering and awarding the permit, including legal, engineering, technical, administrative, publication and other expenses allowed by law. If a grantee fails to timely comply with this section, it shall acquire no rights whatsoever from the city.

(Ord. No. 324, § 1, 6-3-97)

#### **48A-8. Police power and regulatory authority reserved.**

(a) The city reserves the right to make amendments to this chapter which do not materially increase any financial, economic or performance burden to the detriment of a grantee during the term of a permit upon ninety (90) day notice to grantees or without notice with respect to an emergency amendment. The city shall in no way be bound to renew or extend a permit at the end of any permit term and grantees may be deemed mere trespassers at the expiration of the term.

(b) Any right granted to any person under this chapter to use or occupy any right-of-way shall be subordinate to any prior lawful occupancy. Nothing in this chapter shall be construed as limiting in any way the city in the lawful exercise of the police power. The grant of a permit to any person shall confer no right not specifically set forth in this chapter.

(c) A grantee shall have no recourse whatsoever against the city for any loss, cost, expense or damage arising out of the failure of city to have the authority to grant all or any part of a permit.

(d) Grantee expressly acknowledges by acceptance of a permit:

- (1) It did so relying on its own investigation and understanding of the power and authority of the city.
- (2) It was not induced to accept the permit by any understanding or promise or other statement, whether verbal or written, by or on behalf of city or by any other third person concerning any term or condition of a permit not expressed in this chapter.
- (3) It has carefully read the terms and conditions of the permit and it does accept all of the risks of the meaning of such terms and conditions.

(e) If any state or federal law or regulation shall require a grantee to perform any service, or shall allow a grantee to perform any service, or shall prohibit a grantee from performing any service, in conflict with the terms this chapter, laws or regulation of the city or the permit, then as soon as possible, a grantee shall notify the city of the point of conflict believed to exist before acting upon the state or federal law.

(f) If the city determines that a provision of this chapter is affected by action of a court or of the state or federal government, the city may modify any of the provisions to such reasonable extent as may be necessary to carry out the full intent and purpose of this chapter. (Ord. No. 324, § 1, 6-3-97)

#### **48A-9. Sale, assignment and transfer of ownership or control of a permit.**

(a) A permit may not be sold, transferred or assigned.

(b) Prior approval of the council also shall be required where ownership or control of more than twenty-five (25%) percent of the right of control of a grantee is acquired by a person or group of persons acting in concert, none of whom already owns or controls twenty-five (25%) percent or more of the right

of control, singularly or collectively ("change of control").

(c) The council shall have one hundred twenty (120) days from receipt of the written application to act upon a request for approval. If the council fails to render a final decision on the request within that time, the request shall be deemed granted unless the grantee and the council agree to an extension of the time.

(d) During the review period, the city may advise the grantee that a public hearing before the council is deemed necessary to evaluate any potential adverse effect of the sale, transfer, assignment or change of control. The grantee shall be given fourteen (14) day written notice and an opportunity to participate in the hearing.

(e) The decision of the council shall be in writing and subject to review and appeal as provided in by law.

(f) In reviewing a request for a sale, transfer, assignment or change of control, the city may inquire into the technical, legal and financial qualifications of the buyer, transferee or assignee, and the grantee shall assist the city in so inquiring.

(g) No approval by the council shall be required for a sale, transfer, assignment or change of control to any person or entity controlling, controlled by or under the same common control as the grantee.

(h) Any attempted sale, transfer or assignment of a permit, facilities, control or similar action by grantee in violation of this section shall be null and void and shall constitute a material default by grantee. (Ord. No. 324, § 1, 6-3-97)

#### **48A-10. Permit and other payments by grantee.**

(a) For the reason that the right-of-way in the city used in the operation of a telecommunication system are valuable public property, which are acquired and are maintained by the city at great taxpayer expense and that



the use of the right-of-way is a valuable privilege without which a person using them would be required to make a substantial capital investment in right-of-way costs and acquisitions, a person shall pay:

- (1) For a first-time applicant, an acceptance fee of

- a. Ten thousand dollars (\$10,000.00) for a permit under Act 179,
- b. One thousand dollars (\$1,000.00) per mile with a five thousand dollar (\$5,000.00) minimum for a permit under Act 368, and

- (2) An annual fee of five hundred dollars (\$500.00) which shall not exceed the fixed and variable costs to the city in maintaining the right-of-way used by a provider of telecommunications service under Act 179. The annual fee may be adjusted by the city council following public notice and hearing every three (3) years for permits granted or renewed after its effective date.

- (b) *Miscellaneous fee considerations.*

- (1) A grantee shall not permit any other provider of telecommunication service or cable service to attach to grantee's poles, wire, cable, conduits or other facilities unless the other provider of telecommunication service has obtained a permit from the city or the provider of cable service has obtained a franchise from the city.
- (2) Grantees sharing the same facilities shall each pay a fee.
- (3) A grantee originating signals over another telecommunication system for which subscribers are billed is subject to the fees described in this section.
- (4) A grantee using the same telecommunication system to provide cable service and any other telecommuni-

cation service is subject to all fees set forth by its permit, franchise and this chapter except it shall receive a credit against fees due under its permit or this chapter for amounts paid under its franchise.

- (5) In the event a grantee enters into an agreement with a public entity in Wayne, Oakland or Macomb County, Michigan and agrees to a formula or method for determining minimum fees which, when applied in the other public entity yields a larger amount than if the formula or method set forth in subsection (b) were applied in the other public entity, then grantee shall pay fees to the city based on the formula or method yielding the larger amount.

(c) Permit fees under this chapter shall be in addition to any other tax, charge, fee, or payment due the city by a grantee.  
(Ord. No. 324, § 1, 6-3-97)

#### **48A-11. Facilities and services.**

(a) A grantee shall install, construct, maintain, operate and improve its telecommunication system in accordance with the accepted standards of the industry, in keeping with the state-of-the-art and any standards of operation or maintenance for a telecommunication system which may be lawfully established.

(b) A grantee shall allow the joint use of excess height, space and capacity in grantee's poles, conduits and facilities located in the right-of-way without charge by the city, County of Macomb, Macomb County Road Commission or State of Michigan.

(c) A grantee erecting or installing towers or poles in right-of-way shall, upon written request by the city, grant the city reasonable attachment space or spaces upon such towers or poles without a rental charge for the attachment of wire or cable owned and used in offering a non-competitive service by the city. The city shall pay any costs incurred in

providing attachment space or spaces to said city, including all necessary costs or rearrangement of wires, cables or equipment and tower or pole replacement cost for a larger tower or pole, if required.

(Ord. No. 324, § 1, 6-3-97)

#### **48A-12. Interconnection.**

A telecommunication system shall be interconnected with other telecommunication systems within the city and in adjacent communities as required by the city to the extent allowed by state and federal law. (Ord. No. 324, § 1, 6-3-97)

#### **48A-13. Construction and performance bonds.**

A grantee shall, prior to construction and within thirty (30) days of the execution of a permit, file with the city clerk, a construction bond in a reasonable amount set by the terms of the permit based upon the cost of returning the right-of-way to its original condition during and after grantee's access and use in the city. (Ord. No. 324, § 1, 6-3-97)

#### **48A-14. Indemnification.**

A grantee shall file with the city clerk an indemnity agreement in a form approved by the city attorney to defend and hold the city harmless from and against any or all claims, suits, actions or liability for damages which may arise in any way, from the grant of a permit, or grantee's operation in the city. (Ord. No. 324, § 1, 6-3-97)

#### **48A-15. Liability and insurance.**

(a) A grantee and any contractor hired to install, maintain, improve, restore or remove a telecommunication system may not commence work until it has obtained the insurance required by this section. All insurance coverage shall be with insurance carriers reasonably acceptable to the city. If any insurance is written with a deductible or self-insured retention, the grantee or contractor shall be solely responsible for said deductible or self-insured retention. The purchase of in-

surance and the furnishing of a certificate of insurance shall not be a satisfaction of the grantee's duty to indemnify the city.

(b) The grantee and any contractor shall procure and maintain during the term of the permit the following coverage:

- (1) Workers compensation insurance in accordance with all applicable statutes of the State of Michigan. Coverage shall include employers liability coverage.
- (2) Commercial general liability insurance on an "occurrence" basis with limits of liability not less than two million dollars (\$2,000,000.00) per occurrence for bodily injury and personal injury, and one million dollars (\$1,000,000.00) per occurrence for property damage. Coverage shall include the following extensions:
  - a. Contractual liability
  - b. Products and completed operations
  - c. Independent contractors coverage
  - d. Broad form general liability extensions or equivalent
  - e. Coverage for X, C and U Hazards.
- (3) Motor vehicle liability coverage, including Michigan No-Fault Coverage for all vehicles used in the performance of the contract. Limits of liability shall not be less than one million dollars (\$1,000,000.00) per occurrence combined single limit bodily injury and property damage.
- (4) Additional insured. Commercial general liability insurance and automobile liability insurance as described above shall include an endorsement stating the following shall be an additional named insured:

"The City, including all elected and appointed officials, boards, commissions, officers and employees."

- (5) Cancellation notice. Workers' compensation insurance, commercial general liability insurance, and motor vehicle liability insurance as described above shall include an endorsement stating the following:

"It is hereby understood and agreed that this insurance policy may not be canceled by the insurer nor the intention not to renew be stated by the insurer until thirty (30) days after receipt by the City, by certified or registered mail, of a written notice of such intention to cancel or not renew."

Said notice shall be sent to:

City of Sterling Heights  
Attn: City Clerk  
40555 Utica Road - P. O. Box 8009  
Sterling Heights, Michigan  
48311-8009

- (c) If so requested by the city, a grantee and any contractor shall within sixty (60) days of such request supply a copy of the insurance policy of any of the insurance coverage required under this section.  
(Ord. No. 324, § 1, 6-3-97)

#### **48A-16. Maps, records, and reports.**

(a) A grantee shall provide the city with one (1) set of current maps of its existing and proposed installations in a standardized format for use with the city's G.I.S. data system each year unless no changes have occurred in the previously submitted map.

(b) The city shall have the right to inspect at a convenient location, during normal business hours, upon two (2) days notice, all records, maps, plans, and other like materials of the grantee which relate to the construction and maintenance of the telecommunication system located in the right-of-way. Access to the records shall not be denied by the

grantee on the basis that the records contain proprietary information if the city protects the information against public disclosure as allowed by law.

(c) A grantee shall allow the city to make inspections of any of the grantee's telecommunication systems at any time upon one (1) day notice or, in case of emergency, upon demand without notice.

(d) The refusal of a grantee to file any of the records or reports and inspections required to be provided to the city under this section shall be deemed a material breach of the permit, and shall subject the grantee to all penalties and remedies, legal or equitable, which are available to the city.

(e) Any material, false, misleading statement, or representation knowingly made by a grantee in any report to the city shall be deemed a material breach of the permit, and shall subject the grantee to all penalties and remedies, legal or equitable, which are available to the city.  
(Ord. No. 324, § 1, 6-3-97)

#### **48A-17. Termination.**

(a) In addition to all other rights and powers reserved or pertaining to the city, the city reserves as an additional and as a separate and distinct remedy, the right to terminate a permit and all right of a grantee in any of the following events or for any of the following reasons:

- (1) A grantee fails after thirty (30) days prior written notice to comply with any of the provisions of the permit or has, by act or omission, violated any term or condition.
- (2) A grantee becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt.
- (3) All or part of a grantee's facilities are sold under an instrument to secure a debt and are not redeemed by grantee within ninety (90) days from such sale.

- (4) A grantee attempts to or does practice any fraud or deceit in its conduct or relations with the city under a permit.
- (5) City condemns all of the property of a grantee within the city by the lawful exercise of eminent domain.
- (6) The grantee abandons the telecommunication system or fails to seek renewal of a permit.

(b) No termination, except for reason of condemnation, shall be effective until the city adopts a resolution setting forth the reason for the termination and the effective date, which resolution may not be adopted without thirty (30) days prior notice to grantee and an opportunity for grantee to be heard.

(Ord. No. 324, § 1, 6-3-97)

#### **48A-18. City right of purchase.**

(a) Upon termination or expiration of a permit, the city shall have the first right and option to purchase in place any towers, poles, wires, cable, fixtures and other facilities of a telecommunication system based on the book value of the asset purchased.

(b) The city shall be under no obligation to purchase all or any part of the telecommunication system if renewal is denied, or upon termination or expiration of a permit.

(c) Further, upon the termination or expiration of any permit, if the city determines that it does not desire to purchase the telecommunication system or any part thereof, the grantee shall have a period of six (6) months from the date of termination or expiration to remove its towers, poles, wires, cables, fixtures or other facilities from the right-of-way.

(d) However, no underground conduit, manholes or other facilities constructed underground shall be disturbed. Anything not removed shall become the property of the city to do with as it may choose. Any cost to the city

in removing said property shall be reimbursed to the city by the grantee.

(Ord. No. 324, § 1, 6-3-97)

#### **48A-19. Rights of individuals.**

(a) A grantee may not deny service, deny access or otherwise discriminate against any person on the basis of age, race, color, religion, national origin or sex. A grantee shall comply at all times with all other applicable federal, state and local laws.

(b) A grantee shall not refuse to hire or employ, nor bar or discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment because of age, race, color, religion, national origin or sex.

(c) Neither a grantee, the city nor any other person shall tap or monitor or arrange for the tapping or monitoring, or permit, either expressly or impliedly, any other person to tap or monitor any cable, line, signal input device, or subscriber outlet or receiver for any purpose whatsoever, without the express written permission of the subscriber except as provided by law.

(d) A grantee may conduct system-wide or individually addressed "sweeps" for the purpose of verifying system integrity, controlling return-path transmission, or billing for services.

(e) A grantee and any of its agents or employees, shall not, without the specific written authorization of the subscriber involved, sell, or otherwise make available to any third party:

- (1) Lists of the names and address of such subscribers, or
- (2) Any list which identifies the habits of subscribers, except as the same is necessary for the construction, marketing and maintenance of the telecommunication system's facilities and services and the billing of subscribers, or

- (3) The habits of identifiable individual subscribers to any party for any purpose whatsoever.

(f) A grantee may not utilize a telecommunication system for unauthorized surveillance of any kind.  
(Ord. No. 324, § 1, 6-3-97)

#### **48A-20. Continuity of service.**

(a) It shall be the right of all subscribers to receive all available services insofar as their financial and other obligations to a grantee are honored.

(b) If a grantee elects to overbuild, rebuild, modify or sell a telecommunication system or the city terminates or fails to renew a permit within a reasonable time, a grantee shall do everything in its power to ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances.

(c) A grantee shall cooperate with a buyer, transferee or assignee of a permit in maintaining continuity of service to all subscribers. In the event that interruption of service is required by a grantee for modification, repairs or the like, the interruption shall be as brief as possible and at times when the impact on subscribers is at a minimum. Records of such interruption shall be kept.  
(Ord. No. 324, § 1, 6-3-97)

#### **48A-21. Severability.**

(a) No provision of a permit shall be deemed void or unenforceable as a result of state or federal preemption until the provision is held invalid by a state or federal agency or court. If any provision of a permit is for any reason held invalid by a state or federal agency or court in an action brought by a grantee, such provision shall not be deemed a separate, distinct and independent provision, and such holding shall render the permit null and void.

(b) Otherwise, if any provision of a permit is for any reason held to be invalid or modified by a state or federal agency or court

in an action brought by any other person as conflicting with any federal or state law, rule or regulation, or is held by a state or federal agency to be modified in any way, in order to conform to the requirements of any law, rule or regulation, the provision may be considered a separate, distinct and independent part of the permit, and such holding shall not affect the validity and enforceability of all other provisions if the city so determines. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict with the law, rules or regulations said provision shall return to full force and effect and shall be binding on the city and grantee.

(c) Upon acceptance of a permit, a grantee agrees to be bound by all of its terms and conditions and accepts unconditionally the permit and promises to comply with and abide by all of their terms, provisions and conditions. A grantee also agrees to provide all services set forth in its application and proposal, and, by its acceptance of the permit, a grantee specifically agrees that its application or proposal is incorporated by reference and made a part of the permit. In addition, a grantee specifically agrees that this chapter is incorporated by reference and made a part of the permit. In the event of a conflict between the application or proposal of the grantee, this chapter, and the permit, this chapter shall prevail.  
(Ord. No. 324, § 1, 6-3-97)

### **ARTICLE III. DESIGN AND CONSTRUCTION PROVISIONS**

#### **48A-22. Construction.**

(a) It shall be unlawful for a grantee or any other person to open or otherwise disturb the surface of any street, sidewalk, driveway, public way or other public place for any purpose whatsoever, except emergency repairs, without obtaining approval to do so from the city engineer. A violation of this subsection shall be cause to terminate the permit under

section 48A-17, may be deemed a material breach of the permit and shall subject the grantee to all penalties and remedies prescribed by the City Code and to all other remedies, legal or equitable, which are available to the city. A grantee shall promptly notify the city engineer upon making any emergency repairs and seek approval as otherwise specifically provided by this article and the City Code, accepting all risks involved.

- (1) A grantee shall submit to the city engineer for review and approval a concise description of the facilities proposed to be erected or installed, including engineering drawings, if requested or required, together with a map indicating the proposed location of such facilities and a general construction schedule.
- (2) If a grantee fails to commence, pursue or complete any repair or maintenance work required by law or by the provisions of this chapter to be done in any right-of-way as designated by the city engineer, the city engineer may cause the work to be done and the grantee shall pay to the city's expenses within thirty (30) days of the receipt of an itemized statement.
- (3) The city engineer shall give a grantee reasonable notice of improvements where paving, regrading or resurfacing of a permanent nature is involved. The notice shall describe the nature and character of said improvements, the schedule upon which they shall be made, the extent of the improvements and the work schedule for the project.
- (4) The city shall allow the grantee a reasonable time to make such additions, alterations, or repairs to its facilities as the grantee deems necessary in advance of the city's commencement of said improvements so as to permit the grantee to maintain continuity of service.

- (5) A grantee shall coordinate its construction program and all other work in the right-of-way with the city's construction, rebuilding, resurfacing and repair.
  - a. A grantee shall conduct all work, except emergency repairs, in conjunction with or immediately prior to any construction, rebuilding, resurfacing or repair planned by city, and to prevent a street from being disturbed by grantee for a period of two years after it has been constructed, rebuilt, resurfaced or repaired.
  - b. In addition, to any other fees or payments required by this chapter, grantee shall pay to city the sum of one thousand dollars (\$1,000.00) for each one hundred (100) feet cut into or excavation of any right-of-way, which was constructed, rebuilt, resurfaced or repaired within two (2) years prior to such cut or excavation. This fee is in addition to and not in lieu of the obligation to restore the right-of-way and also applies to emergency repairs.
- (6) Any opening or obstruction in, disturbance of or damage to the right-of-way shall be properly guarded by adequate barriers, lights, signals and warnings as to prevent danger to any person or vehicle using such right-of-way and shall be properly and promptly repaired, all in a manner specified and approved by the city engineer, at grantee's expense.
- (7) Mini-hubs, switches, nodes and other equipment shall be installed in underground enclosures whenever possible. The city engineer's approval shall be required for any buildings, mini-hubs, switches, nodes and other equipment installed above ground in a right-of-way. Grantees shall cooperate with private property owners in

placing and screening structures located above ground.

- (8) No poles may be installed by a grantee without approval by the city engineer.
- (9) The city engineer may require a grantee to make use of existing poles and conduit if fair and reasonable terms of use are available to grantee.
- (10) Nothing in this chapter shall be construed as authorizing the grantee to erect and maintain new poles in areas serviced by existing poles. A grantee shall obtain written approval from the city engineer, before erecting any new poles or installing underground conduits where none exist at the time that the grantee seeks to install its telecommunication system.

(b) The grantee shall maintain all wires, conduits, cables, and other real and personal property and facilities in good condition, order and repair.

(c) A grantee shall construct and maintain its telecommunication system in a manner consistent and in compliance with all applicable laws, ordinances, construction standards, governmental requirements, and technical standards established by the Federal Communications Commission or state agency.

(d) A grantee shall not endanger or interfere with the safety of persons or property within the city or other areas where the grantee may have equipment located. A grantee shall replace and restore all paving, sidewalk, driveway, landscaping or surface of any property disturbed by construction or maintenance of its telecommunication system in a good and workmanlike manner within twenty-four (24) hours after any damage is incurred.

(e) All working facilities, conditions and procedures, used or occurring during construction and operation of a telecommu-

nication system shall comply with the standards of the Occupational Safety and Health Administration.

(f) Construction and maintenance of a telecommunication system shall be performed in an orderly and workmanlike manner, and in close coordination with public and private utilities serving the city following accepted industry construction procedures and practices and working through existing committees and organizations. A grantee shall join the Miss Dig program.

(g) All cable and wires shall be installed, where possible, parallel with electric and telephone lines, and multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering consideration.

(h) House drops shall be grounded and installed in a neat and workmanlike manner. Buried drops shall be at least three (3) inches deep. Underground installations made in the winter months shall be completely buried by May 31 of each year.

(i) A grantee shall identify its telecommunication system and subscriber drops by color code, stamping, engraving, tags, stickers, or other appropriate method selected by grantee to distinguish among telecommunication systems, utilities, and other services.

(j) No erection or installation of any tower, pole, guy, anchor, underground conduit, manhole, or fixture for use in a telecommunication system shall be commenced by any person until approval has been received from the city engineer.

(k) A grantee shall, at its own expense and without reimbursement from the city, upon request, protect, support, temporarily disconnect, relocate or remove from the right-of-way, any property of such person when required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, tracks, the

construction or change of the transmission or distribution facilities of any telephone or electric public utility or other public improvements.

(1) The grantee shall, at the request of any person holding a permit to move a building, temporarily raise or lower its wires to permit the moving of said building.

(1) Such temporary removal, raising, or lowering of wires shall be at the sole cost and expense of the person requesting the same, and the grantee shall have the authority to request payment for the same in advance before complying with such request.

(2) Any person making such a request from the grantee shall give not less than seven (7) business days notice of the contemplated move.

(3) Any interruption in service caused by the temporary removal, raising or lowering of the grantee's wires in accordance with this subsection shall not subject the grantee to any penalty. Any interruption in service occasioned under this subsection shall be done, as far as is practicable, outside of prime time (i.e., 7:00 p.m. to 11:00 p.m., local time).

(m) The grantee may trim trees or other vegetation to prevent their branches or leaves from touching or otherwise interfering with its wires, cables or other structures in accordance with Chapter 51 of the City Code.

(1) All trimming or pruning shall be at the sole cost of the grantee.

(2) The grantee may contract for said trimming or pruning services with any person approved by the city prior to the rendering of said services. Any person engaged by the grantee to provide tree trimming or pruning services shall be deemed an employee of the grantee when engaged in said activity.

(3) The grantee shall obtain the written permission of the owner of any privately owned tree or other negotiation before it trims or prunes the same, unless otherwise provided by the permit.

(4) The grantee shall comply with all ordinances and resolutions concerning city property.

(Ord. No. 324, § 1, 6-3-97)

#### **48A-23. Overhand and underground installation.**

All new construction shall be underground unless waived by the council. When either the telephone or electrical service wires are placed underground in an area, grantee shall place its telecommunication system underground in the same area. Wire or cable passing under a street or highway shall be installed in conduit. (Ord. No. 324, § 1, 6-3-97)

#### **48A-24. Drops to city and school buildings.**

A grantee shall permit connections to the telecommunication system from any city buildings, police stations, fire stations, other public buildings, each school licensed by the State of Michigan, and each public library within five hundred (500) feet of the telecommunication system for the purpose of obtaining services on terms and conditions set forth in the permit. (Ord. No. 324, § 1, 6-3-97)

#### **48A-25. Scope of service.**

A permit to provide telecommunication service shall specifically set forth the telecommunication services a grantee is authorized to provide and define the customer base in the city. (Ord. No. 324, § 1, 6-3-97)

#### **48A-26. Use of facilities to provide cable service.**

A grantee may not provide cable service without obtaining a franchise to provide cable service. (Ord. No. 324, § 1, 6-3-97)



**48A-27. Penalty.**

Violation of any of the terms of this chapter shall be a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or ninety (90) days in jail or both. (Ord. No. 324, § 1, 6-3-97)



- (1) No single curb cut or driveway approach shall exceed eighty (80) feet in width, nor be less than twelve (12) feet in width, except, where joint driveway openings are permitted on either side of a common property line, the maximum curb cut shall be forty (40) feet per lot.
- (2) The minimum distance between any curb cut or driveway approach and a public crosswalk shall be five (5) feet.
- (3) Where sidewalks are required, no single sidewalk driveway approach crossing shall exceed thirty (30) feet in width.
- (4) The maximum number of linear feet of sidewalk driveway approach crossing permitted for any lot, parcel of land, business or enterprise, shall be forty-five (45%) per cent of the total abutting street frontage up to and including two hundred (200) lineal feet of street frontage plus twenty (20%) per cent of the lineal feet of street frontage in excess of two hundred (200) feet.
- (5) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, underground structures, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the City.
- (6) All new driveway approaches along paved streets shall be paved between the curb cut and the property line with concrete or asphalt in accordance with regulations established by the City Engineer.
- (7) All construction shall be in accordance with plans and specifications approved by the City Engineer.

#### OBSTRUCTIONS

4.17 Obstructions. No person shall occupy any R.O.W. with any materials or machinery incidental to the construction, maintenance, demolition or repair of any facilities adjacent to the R.O.W., or for any other purpose, without first obtaining a permit or an annual permit from the City Engineer and posting a cash deposit and filing an insurance policy as required by this Chapter.

4.18 Pedestrian Passage. At least five (5) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if the operations are such that free passageway is impracticable, a temporary plank sidewalk, meeting the approval of the City Engineer, and in accordance with Chapter 79 of this code, where applicable, shall be provided around such obstruction.

SAFETY REQUIREMENTS

- 4.19 Safeguards. All temporary openings, excavations and obstructions located in a street or within twelve (12) feet of a street shall be provided with traffic control devices in conformance with the Michigan Manual of Uniform Traffic Control Devices. All temporary openings, excavations and obstructions located in a sidewalk or driveway approach shall be surrounded with lighted barricades. All unattended openings and excavations, located anywhere in public R.O.W., greater than five (5) feet in depth shall be completely surrounded by fencing, securely mounted in place as directed by the City Engineer.
- 4.20 Shoring Excavations. All openings and excavations shall, where necessary, be properly and substantially sheeted and braced as a safeguard to workmen and to prevent cave-ins or washouts which may injure the thoroughfare or sub-surface structure of the street.

UNLOADING CONSTRUCTION EQUIPMENT

- 4.21 Unloading Construction Equipment. No person shall unload from any vehicle or trailer any power shovel, ditchdigger, trencher, bulldozer, tractor, or any similar construction or excavating equipment having a weight of one ton or more or which moves about by any means other than rubber tires, onto or upon any hard-surfaced street without first obtaining a permit therefor from the Street Superintendent and posting a cash deposit. Such deposit shall be available for the repair and reconstruction of any street or its appurtenances damaged as a result of the permitted operation.

ADDITIONAL REGULATIONS

- 4.22 Additional Regulations. The City Manager may make additional regulations pertaining to openings and excavations in the streets, curb cuts, street obstructions, and house moving, which shall be subject to the approval of the City Council.
- 4.23 Removal of Encroachment. Encroachments and obstructions in the R.O.W. may be removed and excavations refilled by the City. The expense of such removal or refilling shall be charged to the abutting land owner when made or permitted by them or suffered to remain by them, otherwise than in accordance with the terms and conditions of this Chapter. The procedure for collection of such expenses shall be as prescribed in the City Charter.

CHAPTER 33

4.1 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

- (1) "Department" means the Department of Public Works of the City.
- (2) "Director" means the Director of Public Works of the City or any person who holds the position as head of the Public Works Department.
- (3) "Superintendent" means the Superintendent of Streets or the designated representative.
- (4) "City Engineer" means the City Engineer or designated representative.
- (5) "Street" means the paved or designated area for vehicular travel within the right of way.
- (6) "Right of way" (R.O.W.) means the land owned or controlled by the City, or other governmental agency or entity that has been designated for public use which shall include but not be limited to streets, curbs, sidewalks, shoulders, utilities, landscape areas and other public uses.
- (7) "Facility" means any man-made objects.

4.2 Damage and Obstruction Prohibited. No person shall make any excavation or fill in, or cause any damage to any R.O.W. in the City, except under the conditions and in the manner permitted in this Chapter. No person shall place any article, thing or obstruction in the R.O.W., except under the conditions used in the manner permitted in this Chapter, but this provision shall not prohibit temporary obstructions as incidental to the expeditious movement of articles and things to and from abutting premises, nor to the lawful parking of vehicles within the part of the street reserved for vehicular traffic.

- 4.3 Permits. Where permits are authorized in this Chapter, they shall be obtained upon application to the City Engineer upon such forms as he shall prescribe. Permit fees will be established by resolution by the City Council. Such permit shall be revocable by the City Engineer for failure to comply with this Chapter, rules and regulations adopted pursuant hereto, and the lawful orders of the City Engineer or the duly authorized representative, and shall be valid only for the period of time endorsed thereon.

Application for a permit under the provisions of this Chapter is an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the City, repair all damage done to the street surface and installations on, over, or within such street, including trees, and protect and save harmless the City from all damages or actions at law that may arise or may be brought on account of injury to person or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be for the amounts established by the City Manager.

A properly executed certificate of insurance containing evidence that the pertinent policy of insurance or endorsement applies to the provisions under which the permit is issued, and approved as to form by the City Attorney, shall be filed with the City Clerk.

Where cash deposits are required with the application for any permit, each deposit shall be in the amount as determined by the City Engineer, and the deposit shall be used to defray all expenses to the City arising out of the granting of the permit and work done under or in connection with the permit. Six (6) months after acceptance of the work done under the permit, by the City Engineer, any balance of each cash deposit unexpended shall be refunded. In any case, where the deposit does not cover all costs and expenses of the City, the deficit shall be paid by the applicant.

- 4.4 R.O.W. OPERATIONS No person, public utility company, franchisee or licensee shall conduct any construction, repair or maintenance operations in the R.O.W. without first obtaining a written permit or annual permit from the City Engineer. No permit shall be granted until the applicant has filed a liability insurance policy as required by this Chapter and posted a cash deposit to defray the cost of repairing all damage done to the street surface and installation on, over, or within the street, as estimated by the City Engineer. A permit shall expire after 30 days or the date specified on the permit unless work has commenced on the project covered by the permit.

Annual permits may be issued, for emergency repairs, maintenance, small alterations and small service connections, at the discretion of the City Engineer, with permit fees and cash deposits established by resolution of the City Council and with liability insurance policies in amounts established by the City Manager.

Permits for excavation of less than six inches are not required if located outside of the street and are for the purpose of restoration and/or repair to landscaping or irrigation systems.

Routine operations conducted by a public utility company, franchisee, or licensee will not require a permit if no excavation is made in the right-of-way.

- 4.5 Emergency Operations. Permits are not required for emergency work, provided that an annual permit has been obtained and that the City Engineer is notified of the location and nature of the emergency work on the following business day and the provisions of this Chapter will be complied with. However, the City Engineer will review each emergency operation to assure such operations are not casual. Upon such review, the City Engineer may require a public utility, franchisee or licensee to get verbal permission before doing any work in a right-of-way if the City Engineer finds that use of this section is not being used for bona fide emergencies.
- 4.6 Backfilling. All trenches in a public R.O.W., except by special permission, shall be backfilled in accordance with regulations adopted pursuant to this Chapter. Any settlement shall be corrected within eight (8) hours after notification to do so.
- 4.7 Underground Structures. All new or upgraded underground structures located within the public R.O.W. shall conform to the City Engineering Design Standards and Specifications or to the standards and specifications prescribed or approved by the City Engineer.
- 4.8 Utility Poles and Structures. When utility poles, overhead equipment and structures are permitted to be placed in the public R.O.W., placement shall be as prescribed by the City Engineer. Such poles, overhead equipment and structures shall be removed, relocated or placed underground as the City Engineer shall direct when such facilities need to be relocated as a result of new road construction/road widening or other similar project as required by the rules of the Michigan Public Service Commission and Chapter 21 of Troy Municipal Codes.
- 4.8a Mailbox Supports. Mailbox supports may be placed in the R.O.W. and shall not be considered obstructions unless any portion of the mailbox or mailbox support extends over any portion of the travelled street or curb. If any portion of a mailbox or mailbox support extends over the travelled street or curb, the mailbox or mailbox support shall be considered an obstruction and prohibited under 4.2 of Chapter 33.

- 4.9 Maintenance of Facilities in Public R.O.W.. Every owner of, and every person in control of, any facility located in the public R.O.W. shall maintain the facilities in good repair and condition at all times and shall indemnify and save harmless the City against all damages or actions of law that may arise or be brought by reason of such facilities being located and operated within public right-of-way.
- 4.10 R.O.W. Improvements. Whenever the City decides to make improvements to the R.O.W. involving the relocation of facilities belonging to public utilities, licensees and other franchisees, the City Engineer shall, not less than 120 days prior to commencement of construction, serve notice upon all public utilities, requiring them to install or relocate all necessary underground work in advance of the R.O.W. improvement.
- 4.11 Sewer and Water Connections. When paving or resurfacing shall have been ordered or declared necessary by the City Council, such sewer and water connections as are necessary, shall be installed in advance of such paving or resurfacing, and the cost shall be charged against the premises adjacent, or to be served, and against the owner of such premises. Where such paving or resurfacing is financed in whole or in part by special assessment, the cost of such sewer and water connections may be chargeable against the premises served or adjacent, as a part of the special assessment for such paving or resurfacing. Where such paving or resurfacing is financed other than by special assessment, the cost of the sewer and water connections so installed, shall be a lien on the premises adjacent, or to be served, and shall be collected as provided for assessments on single lots pursuant to the provisions of the City Charter.
- 4.12 Determination of Necessity. The necessity for sewer and water connections shall be determined by the Director which determination shall be based upon the size, shape, and area of each abutting lot or parcel of land, the lawful use of such land under the zoning regulations of the City, the character of the locality and the probable future development of each abutting lot or parcel of land. The Director shall give written notice of the intention to install such sewer and water connections and to charge the cost to the premises, to each owner of land abutting the street, to be furnished with such connections, as shown by the records of the City Assessor in accordance with this Code. Any owner objecting to the installation of any sewer or water connection, shall file his objections in writing within seven (7) days after service of the notice, with the Director who shall, after considering the objection made in writing, make a final determination of the sewer and water connections to be installed.



**4.13 Prohibited Openings or Excavations.** No permit to make any opening or excavation in or under a paved street, except for emergency repairs indicated in Section 4.5, shall be granted to any person within a period of two (2) years after the completion of the paving or resurfacing. If a street opening is necessary as a public safety measure, the City Engineer may suspend the operation of this section, as to such street opening.

**4.14 Utility Placement Zone.** A designated zone for the placement of new or relocated underground facilities, such as gas, electric, communication and other franchised or licensed facilities, shall be determined by the City Engineer. This area shall be a nine (9) foot horizontally measured space at the outside edge of the right of way. This zone shall not be located on the side of the street where a water main is situated. If water mains are on both sides of the street, the south or east side of the street is to be used. If due to technical reasons the south or east side can not be used nor is the placement zone practical, the placement shall be at the discretion of the City Engineer. In all cases the utilities are to be placed within the designated zone unless authorized by the City Engineer. The City Engineer shall expand the utility placement zone, when necessary, to provide adequate space for placement. Utilities constructed of non-metallic material are required to have a traceable metallic wrap or accompanying wire for the purpose of tracing and locating with conventional locating equipment.

When placed in the R.O.W., utilities or other franchised or licensed facilities constructed of material susceptible to breakage (i.e. fiber optic, wire, plastic line) must be encased in a protective plastic conduit, when determined by the City Engineer. .

Plastic gas lines are excluded from the requirement for a protective plastic conduit.

Except for emergency repairs indicated in Section 4.5, no opening or excavation may take place in the utility placement zone for a period of 18 months following construction of new pavement or new utility in the zone. The City Manager may waive this time period if in his opinion it is in the best interests of the City.

**4.15 Road Oiling and Dust Control.** No person shall apply any liquid dust control material or other liquid surface treatment to any street without first obtaining a permit for said work as required by this Chapter. The permit fee shall be as established by resolution of the City Council.

**4.16 Curb Cuts.** No opening in or through any street curb shall be made without first obtaining a written permit from the City Engineer. Driveway approaches, including curb cuts and sidewalk driveway crossings to provide access to private property, shall comply with the following, except planned commercial and industrial buildings which require separate site plan approval per Chapter 39 of this Code.

4.24 Temporary R.O.W. Closings. The Director shall have authority to temporarily close any portion of the R.O.W., when any portion is deemed to be unsafe or temporarily unsuitable for use for any reason. The Director shall cause suitable barriers and signs to be erected in R.O.W. the indicating that any portion of the R.O.W. is closed to public travel. When any street or portion shall have been closed to public travel, no person shall drive any vehicle upon or over the R.O.W., or portion, except as the same may be necessary incidentally to any street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the Director.

# PLAN REVIEW AND INSPECTION

CONSTRUCTION COST *	UNDERGROUND CONSTRUCTION		CITY UTILITIES	
	PLAN REVIEW		INSPECTION	
\$0 to \$1,000	2.00%	(\$20 Min.)	4.00%	(\$40 Min.)
\$1,001 to \$5,000	\$20 + 1.00% over \$1,000	(\$20 - \$80)	\$40 + 2.00% over \$1,000	(\$40 - \$120)
\$5,001 to \$50,000	\$80 + 0.40% over \$5,000	(\$80 - \$240)	\$120 + 1.40% over \$5,000	(\$120 - \$750)
\$50,001 to \$100,000	\$240 + 0.20% over \$50,000	(\$240 - \$340)	\$750 + 1.20% over \$50,000	(\$750 - \$1,350)
\$100,001 to \$500,000	\$340 + 0.10% over \$100,000	(\$340 - \$740)	\$1,350 + 1.00% over \$100,000	(\$1,350 - \$5,350)
\$500,001 to \$1,000,000	\$740 + 0.05% over \$500,000	(\$740 - \$990)	\$5,350 + 0.80% over \$500,000	(\$5,350 - \$9,350)
over \$1,000,000	\$990 + 0.025% over \$1,000,000	(\$990 + )	\$9,350 + 0.40% over \$1,000,000	(\$9,350 + )

CONSTRUCTION COST *	UNDERGROUND CONSTRUCTION		NON-CITY UTILITIES	
	PLAN REVIEW		INSPECTION	
\$0 to \$5,000	0.40%	(\$20 Min.)	1.60%	(\$80 Min.)
\$5,001 to \$50,000	\$20 + 0.20% over \$5,000	(\$20 - \$110)	\$80 + 1.40% over \$5,000	(\$80 - \$710)
\$50,001 to \$100,000	\$110 + 0.15% over \$50,000	(\$110 - \$185)	\$710 + 1.20% over \$50,000	(\$710 - \$1,310)
\$100,001 to \$500,000	\$185 + 0.05% over \$100,000	(\$185 - \$385)	\$1,310 + 1.00% over \$100,000	(\$1,310 - \$5,310)
\$500,001 to \$1,000,000	\$385 + 0.025% over \$500,000	(\$385 - \$510)	\$5,310 + 0.80% over \$500,000	(\$5,310 - \$9,310)
over \$1,000,000	\$510 + 0.01% over \$1,000,000	(\$510 + )	\$9,310 + 0.40% over \$1,000,000	(\$9,310 + )

CONSTRUCTION COST *	OVERHEAD UTILITIES ON NEW POLES			
	PLAN REVIEW		INSPECTION	
\$0 to \$5,000	0.40%	(\$20 Min.)	0.80%	(\$40 Min.)
\$5,001 to \$50,000	\$20 + 0.10% over \$5,000	(\$20 - \$85)	\$40 + 0.40% over \$5,000	(\$40 - \$220)
\$50,001 to \$100,000	\$85 + 0.06% over \$50,000	(\$85 - \$95)	\$220 + 0.20% over \$50,000	(\$220 - \$320)
\$100,001 to \$500,000	\$95 + 0.02% over \$100,000	(\$95 - \$175)	\$320 + 0.10% over \$100,000	(\$320 - \$720)
\$500,001 to \$1,000,000	\$175 + 0.01% over \$500,000	(\$175 - \$225)	\$720 + 0.05% over \$500,000	(\$720 - \$970)
over \$1,000,000	\$225 + 0.005% over \$1,000,000	(\$225 + )	\$970 + 0.025% over \$1,000,000	(\$970 + )

CONSTRUCTION COST *	OVERHEAD UTILITIES ON EXISTING POLES			
	PLAN REVIEW		INSPECTION	
\$0 to \$5,000	0.40%	(\$20 Min.)	0.80%	(\$40 Min.)
\$5,001 to \$50,000	\$20 + 0.02% over \$5,000	(\$20 - \$29)	\$40 + 0.20% over \$5,000	(\$40 - \$130)
\$50,001 to \$100,000	\$29 + 0.01% over \$50,000	(\$29 - \$34)	\$130 + 0.10% over \$50,000	(\$130 - \$180)
\$100,001 to \$500,000	\$34 + 0.005% over \$100,000	(\$34 - \$54)	\$180 + 0.05% over \$100,000	(\$180 - \$380)
\$500,001 to \$1,000,000	\$54 + 0.003% over \$500,000	(\$54 - \$69)	\$380 + 0.025% over \$500,000	(\$380 - \$505)
over \$1,000,000	\$69 + 0.0015% over \$1,000,000	(\$69 + )	\$505 + 0.01% over \$1,000,000	(\$505 + )

## ADDITIONAL PERMIT AND ANNUAL PERMIT REQUIREMENTS:

- A. ANNUAL PERMITS: The permit fee for an annual permit shall be \$1,500.00 yearly.
- B. INSURANCE: A properly executed certificate of insurance, with liability insurance in the amounts determined by the City Manager, shall be provided by the applicant.
- C. CASH DEPOSITS: A cash deposit, to defray all expenses to the City arising out of the granting of a permit and work done under the permit including the repair of roadway pavement, sidewalks and driveway approaches, shall be made in an amount determined by the City Engineer. For annual permits, a cash deposit shall be made yearly, in the amount of \$2,000.00 from which the actual expenses to the City will be deducted.
- D. CASH DEPOSIT - UNLOADING EQUIPMENT: A cash deposit, to defray the cost of damage to hard-surfaced streets from the unloading of construction equipment, over one ton in weight, or without rubber tires, shall be made in the amount determined by the Superintendent of Streets and Drains.
- E. PERMITS FOR SIDEWALKS AND DRIVEWAY APPROACHES: The construction, replacement or repair of sidewalks and driveway approaches requires a separate "Sidewalk and Driveway Approach Permit" as prescribed by Chapter 34 of this Code.

Construction Cost shall include the cost of the actual plant or facility when placed inside of a conduit.